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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,597	09/20/2001	Koji Sakuma	225-010566-US(PAR)	5449

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FAIRFIELD, CT 06824

EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,597

Applicant(s)

SAKUMA ET AL.

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____


JEFFREY D. CARLSON
PRIMARY EXAMINER

DETAILED ACTION

1. Claims 1-12 have been examined.

Response to Amendment

2. The Amendment filed on 1/27/05 is insufficient to overcome the Wynblatt reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynblatt 6,219,696 (04/17/2001) [US f/d: 8/1/1997] (herein referred to as Wynblatt).

Wynblatt discloses merchandised product genre information is stored correspondingly to each of the mobile vehicles and that the type of advertisements desired by the user is stored and that the type of advertisements or information desired by the user is stored before that information is sent to the user.

Wynblatt discloses utilizing information databases (Fig. 2, item 46).

Wynblatt discloses that the mobile user receives targeted information:

“(3) The present invention relates to accessing information and more particularly to utilizing the Internet to receive targeted information through mobile information terminals” (col 1, lines 6-10).

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Wynblat discloses that the user receives advertising or information on merchandised products that are available:

“(26) The following section describes some sample applications of an ABU-DaBII system. In the simplest case of a local advertisement, a local agent could be included in a store front, and the mobile agents could be in automobiles. As a driver passes by the store, if he is interested in getting information from that store, he uses his browser to get the URL from the queue and accesses the store's WWW page. The store's proprietor can have placed whatever information there he wants, including information about items on sale, rare items in stock, store hours, promotions, or anything which will encourage the driver to do business there. Restaurants could provide menus” (col 5, lines 49-60).

Wynblatt discloses storing user preferences:

“(19) The precedence with which URL/title pairs are sent by the queue unit to the WWW browser may vary depending on the preferences of the user or the browser developer, but the following is an example of a simple and effective protocol which can be used in most circumstances. Each time a new URL/title pair is received by the queue unit, it sends an alert message to the WWW browser. When the browser requests a URL from the queue unit, the queue unit provides a URL given the following precedence” (col 4, lines 49-58).

Wynblat discloses that the user can be sent information on local stores of interest:

“(22) This protocol could be used as in the following example. The automobile is passing through a commercial zone with many stores employing local agents. Upon passing a particular store, a passenger wonders what products are currently on sale. He clicks the "grab

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URL" button on his browser. The browser asks the queue for the most recent URL/title pair, and then renders the title to the user. However, in this case the most recent URL is not from the desired store, as the user can determine from the rendered title. So the user presses "grab" again, and the browser gets the next most recent URL. Eventually, the desired title is retrieved and rendered, and the user can use the browser to "follow the link", that is, retrieve the WWW document from the Internet using the associated URL (col 4, line 62-col 5, line 9);

(26) The following section describes some sample applications of an ABU-DaBII system. In the simplest case of a local advertisement, a local agent could be included in a store front, and the mobile agents could be in automobiles. As a driver passes by the store, if he is interested in getting information from that store, he uses his browser to get the URL from the queue and accesses the store's WWW page. The store's proprietor can have placed whatever information there he wants, including information about items on sale, rare items in stock, store hours, promotions, or anything which will encourage the driver to do business there. Restaurants could provide menus" (col 5, lines 49-60).

Wynblat discloses that the user can indicate beforehand categories of types of products or services of interest to the user about which the user wants to receive more product information and that the priorly indicated information type of user interest can be sent to the user:

"(29) Still more customization can be employed through the use of placeholder variables in the broadcast URLs. For example, the user of a mobile information terminal can program the terminal with his preferences regarding types of accommodations, food, gasoline, etc. This information can then be sent as parameters to Internet programs, so that vendors of these services can ensure that the customer always receives the most relevant information about their

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services” (col 6, lines 7-17).

Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Wynblatt’s information database can be utilized to store the priorly indicated information types of user interest. One would have been motivated to do this in order to provide a place to store the information which is sent out to product service vendors by the ABU-DaBII service (“This information can be sent as parameters to Internet programs” col 6, lines 10-15).

Therefore, Wynblatt discloses merchandised product genre information is stored correspondingly to each of the mobile vehicles and that the type of advertisements desired by the user is stored and that the type of advertisements or information desired by the user is stored before that information is sent to the user.

Wynblatt discloses providing geographically relevant product/service provider information and also providing information geographically relevant to different local base stations/local agents (col 5, lines 9-34; col 5, line 62-col 6, line 35).

Also, Wynblatt discloses providing route and navigation information (col 6, lines 25-35; col 6, lines 35-55) including routing and auto-pilot information to places of interest (‘gas station’, ‘local pointers to Internet information’). Also, note that Wynblatt discloses both route plotters and auto-pilots. Also, note that auto-pilots are a more advanced form of route plotters and involve route plotting.

Wynblatt further discloses that the user can access ‘unlimited multimedia information provided by the local agent’s operator’ (col 6, lines 45-55).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Wynblatt's providing of route plotting and auto-pilot features can be added to Wynblatt's providing information on places of local or geographic interest and providing of 'unlimited multimedia information. . .by the local agent's operator'. One would have been motivated to do this in order to better assist the user in arrive at places of local interest.

Also, in regards to Claim 2, Wynblatt discloses "The advertisement information providing apparatus . . . further comprising an accounting part which charges said shop . . . for a surrogate advertisement fee. . .".

Wynblatt discloses that an information providing service has costs or is expensive (col 1, lines 30-40).

Wynblatt discloses advertising and that advertising can be charged for (col 5, line 63-col 6, line 8).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Wynblatt's providing advertising for product/service providers can involve a fee. One would have been motivated to do this in order to provide a source of revenue and cover expenses for the information providing service.

Also, in regards to Claim 3 Wynblatt discloses "a mobile terminal apparatus which receives said advertisement information and outputs voices and images base don said advertisement information is mounted on each of said mobile vehicles. . . . (col 1, lines 60-65; col 6, lines 50-55)".

Response to Arguments

4. Applicant's arguments with respect to claims 1-12 have been considered but are not found persuasive.

In the Applicant's Amendment dated 1/27/05 Applicant states that Wynblatt does not disclose that merchandised product genre information is stored correspondingly to each of the mobile vehicles and that the type of advertisements desired by the user is stored and that the type of advertisements or information desired by the user is stored before that information is sent to the user.

However, Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and what the entirety of the prior art renders obvious that is being referred to. Wynblatt was utilized in a 35 USC 103 rejection. Hence, the Examiner maintains that the Wynblatt reference renders obvious the Applicant's claimed invention.

Please see the additional citations and explanations above at the section starting,

"Wynblatt discloses merchandised product genre information is stored correspondingly to each of the mobile vehicles and that the type of advertisements desired by the user is stored and that the type of advertisements or information desired by the user is stored before that information is sent to the user. . ." to see where and how the Wynblatt reference renders obvious the Applicant's claimed invention.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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a) Goldhaber (5,794,210) discloses a user indicating products/services of interest, profiling a user, sending targeted information to a user, sending geographically relevant information to a user.

Goldhaber discloses that the user can indicate that only marketing messages from certain categories of information or advertisers will be received by the user:

“(43) The demographic profiles can be constructed through interest questionnaires that the consumer completes when subscribing to the service, and also through electronic tracking of his/her usage of the service (and other habits). Thus, the profiles can be dynamic, evolving with the customer's transaction history. A customer can choose to exclude any transaction (e.g., viewing of certain material or purchasing of certain products) from his profile. Profiles can also be interactive in that a customer may edit his profile at any time to add or delete interest features, and to delete any transaction records. Thus, for example, the customer can delete historical transaction entries evidencing her purchase of an "adult" film if desired. Similarly, the customer can change her profile to express interest in seeing certain types of automobile advertisements, and then, after she has selected and purchased a new car, delete those profile entries (col 6, lines 45-61);

(93) Referring once again to FIG. 11A, the consumer's software agent 110 may also, if desired, initiate the above-described matching process whenever the consumer's interest profile 124 changes (FIG. 11A, block 190). In this example, system 100 will track the consumer's activities and elaborate the consumer's profile 124 automatically. In addition, system 100 in this example permits the consumer to view and edit a plain-language representation of her

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profile 124 at any time, and add anything to it or delete anything from it. Thus, for example, if the consumer begins looking for a new car, she may edit her profile 124 to add an interest about certain types or categories of automobiles. Such a change in the consumer's profile 124 may cause software agent to re-index the consumer's profile 124 (FIG. I A, block 192) and a new scan for matching ads (FIG. 11A, block 194)" (col 17, line 64-col 18, line 12).

Goldhaber further discloses user profile information and storing user profile information (Abstract; Fig. 7; Fig. 10; Fig. 11a), advertising, and a dialogue between a vendor and the consumer upon consumer request (Abstract, col 8, lines 21-30).

Goldhaber further discloses geographic targeting of users (col 2, lines 28-35) and targeting users based on both demographic, profile, and geographic information (col 15, lines 16-22).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Arthur Duran
Patent Examiner
5/16/05


JEFFREY D. CARLSON
PRIMARY EXAMINER